

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-090258
	:	TRIAL NO. B-0809273
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
KEITH BLACK	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar. This judgment entry is not an opinion of the court.¹

Following a jury trial, defendant-appellant Keith Black appeals his convictions for aggravated robbery, with an accompanying weapons specification, and for robbery.

In the early morning hours of November 11, 2008, Black and Darian Lawrence had robbed a Speedway convenience store located on Colerain Avenue in Cincinnati. Black had lured the store attendant from her plastic-enclosed office on the pretext of needing help with the nacho machine. Lawrence then brandished a handgun and obtained cash and cigarettes. When Lawrence had drawn his weapon, Black exited through the store's front door and acted as a lookout. At the conclusion of the trial, the jury returned guilty verdicts on each count and specification. The trial court imposed an aggregate sentence of 13 years' imprisonment.

In his single assignment of error, Black challenges the weight of the evidence adduced at trial to support his convictions. Our review of the record fails to persuade us

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

that the jury, sitting as the trier of fact, clearly lost its way and created such a manifest miscarriage of justice that the convictions must be reversed and a new trial ordered.²

The jury was entitled to reject Black's theory that while he had accompanied Lawrence, Black had not known of Lawrence's plan to rob the convenience store. The state presented ample evidence to connect Black to the robbery scheme, including Lawrence's testimony that he and Black had planned the robbery over a week before. The two had been together most of the preceding day. The store's surveillance camera had recorded the two entering the store several times just before the robbery.

As the weight to be given the evidence and the credibility of the witnesses were primarily for the trier of fact to determine,³ the jury could have properly disregarded Black's own testimony that he knew nothing of Lawrence's plans and found him complicit in Lawrence's acts. The jury, in resolving conflicts in the testimony, could properly have found Black guilty of the charged crimes and specifications. The assignment of error is overruled.

Therefore, the judgment of the trial court is affirmed.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

CUNNINGHAM, P.J., HILDEBRANDT and MALLORY, JJ.

To the Clerk:

Enter upon the Journal of the Court on April 28, 2010

per order of the Court _____.
Presiding Judge

² See *State v. Thompson*, 78 Ohio St.3d 380, 387, 1997-Ohio-52, 678 N.E.2d 541.

³ See *State v. DeHass* (1967), 10 Ohio St.2d 230, 227 N.E.2d 212, paragraph one of the syllabus.